

CPA/1642

PATENT  
Attorney Docket 051530-5003-05-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: **Harald Sontheimer et al.**

Application No. **08/980,395**

Filed: **November 28, 1997**

For: **Novel Method of Diagnosing &  
Treating Gliomas**

Examiner: **Unassigned**

Group Art Unit: **1642**

**BOX CPA**

Commissioner for Patents  
Washington, D.C. 20231



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MQJ  
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**CONTINUED PROSECUTION APPLICATION REQUEST**

This is a request for filing a Continuation Prosecution Application under the Continued Application procedure of 37 C.F.R. § 1.53(d) of prior application 08/980,395 filed November 28, 1997 entitled Novel Method of Diagnosing and Treating Gliomas.

1. Please change the attorney docket number to 051530-5003-05-US
2. A Preliminary Amendment is enclosed.
3. The filing fee is calculated on the basis of the claims existing in the prior application and as amended in the Preliminary Amendment.

| CLAIMS FOR FEE CALCULATION                    |              |              |                |                      |
|---|--------------|--------------|----------------|----------------------|
|   | Number Filed | Number Extra | Rate           | Basic Fee = \$710.00 |
| Total Claims                                  | 15 - 20 =    | 0            | \$80.00 each = | +                    |
| Independent Claims                            | 2 - 3 =      | 0            | \$80.00 each = | +                    |
| Multiple dependent claims                     |              |              | \$270.00       | +                    |
| SUB-TOTAL                                     |              |              |                | =710.00              |
| Reduction by 1/2 for filing by a small entity |              |              |                | -355.00              |
| TOTAL FILING FEE                              |              |              |                | \$355.00             |

01/19/2001 CVORACHA 00000015 08980395

01 FC:231  
02 FC:217 1-WA/1505016.2

355.00 OP  
445.00 OP

4. Small entity status is claimed and a small entity statement was filed in the prior non-provisional application and is still proper and desired.

5. Extension of Time - Applicants petition for a three month extension of time in the present application, the \$445.00 fee for which are set out in 37 C.F.R. § 1.17(a)-(d).

6. Fee Payment - Enclosed is a check for **\$800.00** for the required fees (\$355.00 for the filing fee and \$445.00 for the extension of time fee). The Commissioner is authorized to any charge additional fees as are necessary to Deposit Account 50-0310.

7. Please address all correspondence to:

Customer No. 009629  
Morgan, Lewis & Bockius LLP  
1800 M Street, N.W.  
Washington, D.C. 20036

8. **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **January 18, 2001**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1800 M Street, N.W.  
Washington, D.C. 20036  
202-467-7000

Respectfully submitted  
Morgan, Lewis & Bockius LLP

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Group Art Unit: 1642



22/3  
J.G.  
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**PRELIMINARY AMENDMENT**

Prior to examination, please amend this application as follows:

In the claims:

✓ Please cancel claims 1-20 without prejudice or disclaimer of Applicants' right to file  
divisional applications at a later date.

Please add the following claims:

21. A pharmaceutical composition comprising chlorotoxin and a pharmaceutically  
acceptable carrier.

22. The composition of claim 21 wherein the chlorotoxin is selected from the group  
consisting of recombinant chlorotoxin, synthetic chlorotoxin and native chlorotoxin.

23. The composition of claim 21 wherein the chlorotoxin is recombinant chlorotoxin.

24. The composition of claim 21 wherein the chlorotoxin is labeled.

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